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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,779	09/13/2000	Takashi Yanagisawa	PM271727	1834

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/600,779

Applicant(s)

YANAGISAWA ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following <sup>objections</sup> ~~rejection(s)~~: Spec. objections are withdrawn. <sup>SM</sup>
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 52-66 and 75-92.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

*Susanna Diaz*  
*Susanna Diaz*  
*Primary Examiner*  
*Alt-3623*

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

As per claim 46, Applicant argues that "Widl does not teach generating charge information by using received toll data" (page 8 of Response). The Examiner respectfully disagrees. As stated in the art rejection, Widl teaches the generation of charge information by using received toll data in col. 3, line 66 through col. 4, line 17 since the mobile storage medium receives vehicle location data, which is an example of "toll data relating to the area where a charge is applied," as the vehicle travels in and out of toll areas. In other words, since the vehicle location data is received by the mobile storage medium and then a toll charge is assessed based, at least in part, on the location of the vehicle, then it is understood that the vehicle location data is an example of received toll data used to generate charge information for the vehicle.

As per claim 50, Applicant argues that "Widl does not disclose that the position information is transmitted to a ground station from the moving body" (page 8 of Response). The Examiner respectfully disagrees. As stated in the art rejection, Widl teaches the transmission of position information to a ground station from the moving body in col. 3, lines 14-65; col. 4, lines 21-46. Widl's toll system detects when a vehicle has entered and exited a fixed toll zone, thereby implying a correlation between the vehicle's position and predetermined toll zone information, i.e., a predetermined mapping of fixed toll zones. Location of the vehicle is determined by using a satellite navigation system to measure how long it takes to propagate a signal from a toll system stored on the vehicle to "neighboring ground stations." This propagated signal is used to determine the vehicle's position; therefore, the propagated signal sends position information from the vehicle, i.e., the moving body, to a ground station.

Regarding claim 72, Applicant argues that "Widl does not teach a toll card for storing a predetermined area in which a charge is applied" (page 9 of Response). The Examiner respectfully disagrees. As stated in the art rejection, Widl teaches a toll card capable of being inserted and removed for storing a predetermined area in which a charge is applied which area is set based on predetermined map information in correspondence with a predetermined area in the map information in Fig. 2 and col. 3, lines 51-65; col. 4, lines 21-67. Widl's toll system detects when a vehicle has entered and exited a fixed toll zone, thereby implying a correlation between the vehicle's position and predetermined toll zone information, i.e., a predetermined mapping of fixed toll zones. The billing system is carried onboard the vehicle as part of a mobile unit and can therefore be removed from or placed in the vehicle. Further, different toll cards can be used for different charging rates, e.g., based on the vehicle type (col. 4, lines 57-67). The toll cards are issued "for use of determined regions or routes" and they are used to assess different sets of charges based on the vehicle type and respective rate due in each toll area. Therefore, it is understood that each toll card stores data corresponding to a "predetermined area in which a charge is applied which area is set based on predetermined map information in correspondence with a predetermined area in the map information."

Regarding claims 67 and 70, Applicant argues that "Widl does not teach or suggest transmitting charge history to a ground station" (page 9 of Response). The Examiner agrees with this assertion (as already stated in the art rejection). Official Notice was used to address this limitation. More specifically, the art rejection states, "Official Notice is taken that it is old and well-known in the art of remote data monitoring to transmit data from monitored devices to a central location or one of various locations that serve as a collection of geographical hubs." Applicant challenges this Official Notice (see page 10 of Response). In response, the Examiner provides the following supporting reference: Riskin (U.S. Patent No. 4,555,618) teaches that toll data is transmitted from remote stations to a central computer, which then submits the information to a central collection point (col. 3, lines 55-68). Applicant also traverses the following statement: "Official Notice is taken that the use of IC cards to make toll payments is old and well-known in the art of toll processing." In support of this assertion, Applicant provides the following references: Maeda et al. (U.S. Patent No. 5,926,546) -- see abstract; Yoshida et al. (U.S. Patent No. 5,790,051) -- see columns 1-3; Hogan (U.S. Patent No. 5,704,046) -- see column 11, lines 39-41; Sakurai et al. (U.S. Patent No. 5,675,494) -- see column 3, lines 55-63). Please note that these references have merely been cited to support the Examiner's Official Notice statements; they are not part of the official art rejection.

In conclusion, the pending art rejection is maintained because Applicant's arguments have been deemed non-persuasive.